

GREG WALDEN
SECOND DISTRICT, OREGON
DEPUTY WHIP

ENERGY AND COMMERCE

SUBCOMMITTEES:
COMMUNICATIONS AND TECHNOLOGY
CHAIRMAN

ENERGY AND POWER

E-MAIL VIA WEBSITE:
<http://walden.house.gov>



Congress of the United States
House of Representatives

February 5, 2013

WASHINGTON, DC OFFICE:
2182 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3702
TELEPHONE: (202) 225-6730

DISTRICT OFFICES:
14 N CENTRAL AVENUE, SUITE 112
MEDFORD, OR 97501
TELEPHONE: (541) 776-4646
TOLL FREE: (800) 533-3303

1051 NW BOND STREET, SUITE 400
BEND, OR 97701
TELEPHONE: (541) 389-4408

1211 WASHINGTON AVENUE
LA GRANDE, OR 97850
TELEPHONE: (541) 624-2400

The Honorable Ken Salazar
Secretary
Department of the Interior
1849 C Street NW
Washington, DC 20240

The Honorable Jeffrey Zients
Deputy Director for Management
The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Secretary Salazar and Director Zients,

I'm troubled to learn that the Department of the Interior (Interior) and/or Office of Management and Budget (OMB) have decided to apply a 10 percent cut to the fiscal year 2012 county payments promised to the 18 Oregon and California Railroad (O&C) counties in western and southern Oregon. This surprising raid on O&C funds by the Interior or OMB is outrageous and unacceptable, and you must reverse it quickly before the payments are finalized and sent to the state for distribution to the counties. I understand that this may happen this week, so your rapid action is needed.

Under what statutory authority does the Interior or OMB have to cut 10 percent from the fiscal year 2012 county payments to the O&C counties? Please specify and provide reasons.

Also, is the Interior or OMB applying this 10 percent cut to transfer these monies to other accounts and priorities within the Interior or elsewhere in the federal government? If so, what is the statutory authority that allows you to do so?

Last summer, as the House of Representatives continued its bipartisan work to better manage our federal forests and get people back to work in the woods, Congress extended the county payments program for fiscal year 2012 as part of the surface transportation law (P.L. 112-141). As we understand from Interior staff, the agency is attributing this surprising 10 percent cut to the sequester—across-the-board spending cuts set to go into effect later this year. This is absurd given that these payments were fiscal year 2012 budgetary resources which are not subject to the sequester under the law. These funds should either have been obligated or, if unobligated, would not be subject to sequester as non-defense domestic unobligated funds are exempt. As a reminder, Congress has delayed the start date of the sequester until March as we continue work to get our fiscal house in order. In addition, sequestration's impacts were only intended to be applied to fiscal year 2013 budgetary resources, not for those in fiscal year 2012. Confirming this is the fact that the U.S. Forest Service distributed its portion of the fiscal year 2012 county payments to states nearly three weeks ago without applying such cuts.

The Honorable Ken Salazar
Mr. Jeffery Zients
February 5, 2013
Page 2 of 2

Since the creation of the Secure Rural Schools and Community Self-Determination Act of 2000, the payments to counties have always been distributed in or around January following the end of the federal fiscal year for which the payments were intended. The fact that these payments are traditionally delayed does not change the fact that the payments were from, and are for, the prior fiscal year's budget—as is the case with these fiscal year 2012 payments.

The O&C counties—like many other federal-forested counties—have been led to the brink of collapse while waiting for action on federal forest issues that allow active management of our federal forests instead of relying on the roller coaster of county payments. Adding insult to injury, Interior continues to fail at delivering on its commitments to increase production and offer non-controversial timber sales on the BLM-managed O&C forests. As an example, in 2012, the agency only awarded and made available for harvest 63 percent of the year's planned timber harvest levels due to the Interior's unwillingness to resolve protest and reduce process burdens. On top of that, you're now proposing to cut these fiscal year 2012 county payments upon which the counties have set their fiscal year 2012 county budgets which last from July 2012 through the end of June 2013.

Action by the Department of the Interior and OMB to reverse this proposed 10 percent cut is needed without delay. Similarly, a response to this letter in writing is requested. Please feel free to contact me directly, or your staff can contact Nathan Rea on my staff at (202) 226-5234.

Best regards,



Greg Walden
Member of Congress